IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8940 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUBODHKUMAR RAMANLAL GANDHI

Versus

REGIONAL PASSPORT OFFCIER

Appearance:

1. Special Civil Application No. 8940 of 2003

MR IS SUPEHIA for Petitioner No. 1

Mr.N.J.Shah with MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 10/07/2003

ORAL JUDGEMENT

Rule. Mr.N.J.Shah for Mr.D.N.Patel for respondents waives service of rule. With the consent of

parties matter is taken up for final hearing today.

2. Mr.Shah for respondent authorities submits that the passport is already expired and therefore the petitioner has yet to make application for passport.

3. The contention raised by the petitioner is that the passport was already issued and the same was expired. However, the birth-date initially in the passport was recorded as 7-4-1957 whereas the correct birth-date is 7-5-1956. The petitioner submits that he wants to submit application for new passport with correct birth-date, however, the authorities have declined to consider the same in the absence of any order passed by this court.

4. On behalf of Passport authorities it has been submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this court directs the passport authorities, they will consider the matter.

5. Mr.Supehia for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the new passport.

6. In view of the above, the respondent is directed to consider the case of the petitioner for change in birth-date from 7-4-1957 to 7-5-1956 at the time of considering the application for issuance of passport on account of expiry of earlier passport bearing No.K 482110. However, the petitioner shall pay costs of Rs.2,500/-to the respondent authorities since the passport authorities can not be saddled with the costs of litigation.

7. It is clarified that this Court has not gone into the legality and validity and genuineness of the above correction(s). Any order passed by the Passport Authority shall not give any additional right to the petitioner, in any other field, on account of the change, including that of service or any other field. Petition is allowed accordingly. Rule is made absolute.

Direct service is permitted.

10.7.2003 (Jayant Patel, J.)